IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.819 OF 2007

Sayaji Namdeo Polgar and Ors. ..Applicants

Vs.

State of Maharashtra ..Respondents

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Mr.M.S.Karnik counsel for applicants
Mrs.A.S.Pai A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 20, 2007

P.C.

1. Heard the learned counsel for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking anticipatory bail in CR No.10 of 2007 registered with Vavi Police Station Nasik. The aid case is mainly under Sections 395 and 325 of IPC.

3. It is the prosecution case that in the night of 25.1.2007, the applicant along with others assaulted the complainant Prakash Balu by means of stick on his hands and neck etc. and he was robbed of Rs.22,000/-. In the said incident, the

compalinant sustained fracture injury. Mr.Karnik the learned counsel for the applicants submitted that though the incident has occurred in the night of 25.1.2007, the FIR was lodged only on 26.1.2007, whereupon, the learned A.P.P. has pointed that the incident occurred just before the midnight of 25.1.2007 and the FIR is lodged on 26.1.2007. She has submitted that looking to the fact that complainant received serious injuries, it cannot be said that there is delay in lodging FIR. I find merit in this submission. In my view, the material collected by the prosecution in the present case is such as to point out an accusing finger towards the present applicants. The Apex Court has observed in the decision of the **Directorate of Enforcement Vs. P.V.Prabhakar Rao reported in 1997 S.C.C. (Cri.) 978** that when the material gathered by the prosecution is such that it points out an accusing finger towards the accused, it is not a fit case to grant anticipatory bail.

6. In view of the above, the application for anticipatory bail is rejected.

[V.K.Tahilramani, J.]